

Exhibit 15

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VOL. 2 of 18

Hearing

COLLOQUY

CITISTORAGE
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called by the People, having been first duly sworn, testified under oath as follows:

COURT OFFICER: Officer, please be seated.

In a loud, clear voice, state your name, full name, spell your last name, your shield number and present command.

THE WITNESS: My name is Police Officer Robert Powers, P-O-W-E-R-S. Shield 13732, Central Park Precinct.

THE COURT: Officer, you are going to have to talk directly into that microphone.

DIRECT EXAMINATION

BY MS. LEDERER:

Q On April 19, 1989, how long had you been assigned to the Central Park Precinct?

A A little bit less than two years.

Q And you were assigned to a particular unit within the Central Park Precinct?

A Central Park Precinct, Anti-Crime Unit.

Q On April 19, 1989, what tour of duty did you work?

A Four to twelve.

Q Who was your partner?

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New York Supreme Court 13th
100 Court Street 17th Floor
New York, New York 10013
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A Officer Eric Reynolds.

Q Were you working on foot that night or were you in a vehicle?

A We were in a vehicle.

Q In what vehicle were you in?

A Green Parks Department van.

Q Who was driving?

A I was.

Q Approximately what time did you take meal that night?

A Approximately eight o'clock.

Q And at about what time was it that you finished meal and returned to duty?

A Nine o'clock.

Q What, if anything, did you hear over the radio when you returned from meal that night?

A At approximately 9:30 we heard a call for an assault at 102nd Street and the East Drive.

Q Was there any more information given in that communication that you heard?

A A group of seven hispanics.

Q Did you recognize the voice that put over that communication?

A No, I didn't.

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POWERS - PEOPLE - DIRECT - LEDERER

Q What did you do when you heard that communication?

A We responded to the area.

Q The communication that you heard regarding that assault, was there any description about the age of the seven hispanics?

A It was a group of seven hispanics approximately 15 to 17 years of age.

Q And was any description made -- given as to the gender or sex of those people?

A Seven males.

Q What did you do when you received that communication?

A We were canvassing the area, in other words, I mean to search the area for the group.

Q What area did you search?

A The east drive -- along the East Drive from 96th Street to 102nd Street, that area.

Q Did you see anyone in that area?

A No, we didn't.

Q Did you see any police vehicles in that area?

A Yes, I did.

Q Do you recall whether you saw marked cars

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or scooters or cars from the Central Park Precinct or other precincts?

A From the Central Park Precinct and from the 23 Precinct.

Q Did you see marked cars or unmarked cars?

A They were marked.

Q And approximately how many cars did you see?

A I'm not really sure. A number of them.

Q You recall where you saw them?

A They were along the drive, the East Drive, and inside the ballfield area.

Q When you were indicating inside the ballfield area, could you please step down for a moment and approach People's 7 in evidence and indicate where it was that you saw the other vehicles?

A Right in this area over here (Indicating).

MS. LEDERER: Indicating the northeast portion of the ballfield and the west side of the East Drive.

Q Where did you go after you responded to the East Drive and 102nd Street?

A We were just searching around this area of

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the park (indicating)-

Q When you were indicating the area again of the northeast portion of the ballfield area, were you driving on paths or on the grass or on roads?

A Either on the main road itself or on the footpaths which are paved.

Q Did you hear any other communications while you were canvassing that area?

A Yes, we did.

MS. LEDERER: You may resume your seat.

(Witness complies)

Q What was the next communication that you heard over the radio?

A I believe it was Central Park base stating that they had numerous callers for a large group of 30 or 40 teenagers.

Q Did that report give any reference as to the race of the people that it was describing?

A I believe it was male black and hispanics.

Q When you say Central Park base, what are you referring to?

A The Central Park Precinct has a radio at the base.

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POWERS - PEOPLE - DIRECT - LEDERER

Q When you say Central Park base, are you saying those radio communications came from within the Central Park Precinct?

A Yes.

Q Did that message or radio communication give a location for that group of 30 to 40 male blacks?

A I believe the second message, which was from the base, came about 100 Street and the East Drive.

Q Was there a description of the age of those people?

A I'm unsure.

Q When you were describing the Central Park base, are you familiar with -- withdrawn.

Is there a call box system within Central Park?

A Yes, there is.

Q Would you describe what that system is and how it works?

A It is a cellular phone which is -- they are placed throughout the precinct where people can call up and call directly to the precinct.

Q If someone picks up a call box within

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Central Park, where is that telephone answered?

A At Central Park precinct.

Q What happened with the information -- what are the choices that the Central Park Precinct has with respect to receiving that information?

A They can either put it over the radio themselves or they can call Communications and have the dispatcher put it over also.

Q When you say they can call Communications, is that 911?

A Yes.

Q At about what time was it that you heard the communication regarding the 30 to 40 male blacks -- excuse me, blacks and hispanics?

A About five minutes after the first call.

Q And do you recall approximately what time that would make it?

A 9:35.

Q Where did you go when you heard the call from Central Park base?

A It went a little further southbound to search the area along there.

Q Do you recall exactly -- when you say southbound -- do you recall exactly where you went?

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POWERS - PEOPLE - DIRECT - LEDERER

A Not exactly.

Q All right. Was an area specifically mentioned in that radio communication you heard at 9:35?

A Not that I remember.

Q Approximately how long did you drive in that area in response to that communication?

A Another five or ten minutes.

Q Did you hear any other radio communications while you were doing that?

A There were a number of different radio communications based on the group, a large group.

Q What type of transmissions?

A I think the next one came from, also from Central Park base stating that the large group was 96th Street, on the bridge path.

Q And did you go to that location?

A Yes, we did.

Q Did that communication contain a description of the group?

A Just a large group.

Q Did it contain any mention of the race of the group?

A I'm not sure.

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POWERS - PEOPLE - DIRECT - LEDERER

Q Did it contain any mention of the age of the members of the group?

A I'm not sure.

Q Did it contain any reference to the gender of the group?

A All males.

Q What did you do when you heard that communication?

A We continued further south to canvas that area to see if we could find that group.

Q Where specifically did you go when you went further south?

A I'm not sure. We just traveled along the footpaths.

Q And what general area are you referring to?

A 96th Street and the East Drive.

Q Did you see anything when you went to that location?

A No.

Q Did you hear any other communications?

A The next one I believe was a Central Park scooter who stated that he was informed by a jogger that he was being harassed as he ran along the Reservoir somewhere about the tennis courts.

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POWERS - PEOPLE - DIRECT - LEDERER

Q Approximately what time did that communication come over the air?

A Not too much after the 96th Street call.

Q And was there description, if you recall, regarding the members of the group that had committed that assault?

A A group of hispanics and blacks.

Q Did it give any reference to sex?

A Teenage males.

Q And where did you go in response to that call?

A He headed back further north which is the tennis courts -- well, I should say west. I'm sorry.

We headed over west to the tennis court area where we once again didn't see anything.

Q When you say you didn't see anything, you referring to whether you saw any vehicles or any members of a group or any people resembling a group?

A I mean we didn't see anybody resembling a group.

MR. DILLER: Impossible to hear. He must speak slowly and loudly.

THE COURT: Officer, you have to talk

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1 POWERS - PEOPLE - DIRECT - LEDERER

2 directly into the microphone as close as
3 you can, talk directly into it.
4

5 Q After you were at the location you just
6 described and you didn't see any group of persons
7 resembling the group you were looking at, what, if
8 anything, did you do?

9 A We continued to search in the area of the
10 north meadow thinking that maybe they went further
11 north.

12 Q Approximately how long did you search in
13 that area?

14 A Maybe another five minutes.

15 Q What, if anything, did you do at that
16 point?

17 A We just continued to drive around.

18 Q Did there come a time you exited the park?

19 A I don't believe so, no.

20 Q Did there come a time when you went to
21 100th Street and Central park West?

22 A Yes.

23 Q And approximately how long was it after you
24 heard -- withdrawn.

25 Had you heard any communications prior to
leaving the park?

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A Yes, we did.

Q And what did you hear before you left the park? Before you went to 100th Street and Central Park West, did you hear any radio communications?

A Yes, I did.

Q What did you hear?

A There was a male jogger who was badly bleeding from the head at about 96th Street and the bridle path.

Q Did you receive any information from the person putting that communication over the air?

A Yes, I did.

Q Did you receive any information regarding how that person came to be injured?

A They -- at the time they believed he was either hit with a bat or a stick across the head.

Q Did you receive a description of the person or persons who struck that man?

A It was a description of four or five male blacks, teenagers, heading northbound.

Q Where were you when you heard that communication?

A I'm unsure at this time.

Q What did you do when you heard that

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1 POWERS - PEOPLE - DIRECT - LEDERER
2 communication?
3

4 A We headed towards that area.

5 Q When you say that area, where are you
6 referring to?

7 A 96th Street and the bridle path.

8 Q And did you go to that location?

9 A We didn't get all the way down there, no.

10 Q What happened?

11 A We decided to go further north because we
12 didn't see anybody in the park. And as we were
13 going down, we knew they had to be further down by
14 then.

15 Q And what did you do?

16 A We exited the park at 100th Street and
17 Central Park West.

18 Q When you say you were heading south and
19 then you decided to head north, where were you when
20 you made the decision to change direction?

21 A Approximately 97th Street or 98th Street.

22 Q What did you do at that point?

23 A We turned the vehicle around and went back
24 up north.

25 Q And where did you go when you headed north?

A To 100th Street and Central Park West.

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Q At the time that you -- how much time elapsed from the time you heard the call about the jogger with the head injury until you arrived at 100th Street and Central Park West?

A About 15 minutes.

Q And what, if anything, did you see when you got to 100 Street and Central Park West?

A Saw a group of about 15 male black and hispanic teenagers, 15 to 17.

Q Where did you see them?

A 101st Street and Central Park West.

Q What, if anything, did you see that group doing?

A They were just walking along.

Q Which direction were they walking?

A Northbound.

Q Which side of the street were they on?

A West side.

Q When you saw this group, could you describe -- withdrawn.

Q Was the group walking on the sidewalk or on the street?

A On the sidewalk.

Q Can you describe the formation of the group

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1 POWERS - PEOPLE - DIRECT - LEDERER
2
3 that you observed?

4 A They were just a group of kids walking
5 along.

6 Q When you say it was a group, was the group
7 spread out or was it densely packed?

8 A I would say densely packed.

9 Q Were the people in the group --

10 MR. RIVERA: Objection to "densely
11 packed," your Honor.

12 THE COURT: I will allow it.

13 Q Were you able to see the sex or gender of
14 the persons you saw in that group?

15 A Yes, I was.

16 Q What did it appear to you?

17 A They all appeared to be male.

18 Q When you looked at the group, were you able
19 to form an impression as to the race of those
20 people?

21 A Yes, I was.

22 Q What did you observe them to be?

23 A Black and hispanic.

24 Q And were you able to form an impression as
25 to the age of those people?

A Yes, I was.

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Q And what did the age of those people look to you?

A Approximately 15 to 17 years.

Q What did you do when you noticed them?

A Started heading northbound, and at about 102nd Street, we turned off to the side where they were approximately -- they were approximately at 102nd Street, just a few feet away from 102nd Street.

Q Was there a reason that you turned off at 102nd Street?

A Well, we felt they fit the description, and we were planning on stopping them.

Then Officer Flores came up behind us in a scooter, and we thought the group saw the scooter. So we wanted to get over as quickly as possible, before they fled.

MR. RIVERA: Objection.

THE COURT: Just tell us what you were doing, what your thoughts were.

Q Officer Flores -- who was Officer Flores?

A She is a uniformed police officer in Central Park Precinct.

Q Was she working in uniform that night?

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A Yes, she was.

Q And the scooter that you made reference to, was that a marked police scooter?

A Yes, it was.

Q Where were you aware of that scooter in relation to your driving as you are driving north on Central Park West?

A It was just behind us.

Q Could you see the vehicle?

A In my mirrors, yes.

Q When you could see the scooter in your mirrors, where could you see Officer Flores in relation to your van?

A Just right behind us.

Q Would you describe the manner in which you pulled the van into 102nd Street?

A I made a very sharp turn across the double yellow lines to situation the van right between the two cross walks.

Q What, if anything, did you do when you did that or immediately after you did that?

A I jumped out of the car and said stop, police; and the group fled.

Q You said the group fled, what, if anything,

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1 did you see the people in that group do?

2 A They just had startled looks on their faces
3 and just ran.

4 Q Did everyone in the group run?

5 A No.

6 Q Would you describe who, if anyone, did not
7 run?

8 A Raymond Santana and Lopez.

9 Q Prior to that occasion, did you know
10 Raymond Santana or Steve Lopez?

11 A No.

12 Q And -- withdrawn.

13 When the group ran, were those two people
14 still remaining?

15 A Yes, they were.

16 Q What, if anything, did you do with respect
17 to those two?

18 A We grabbed them and put them up against the
19 wall.

20 Q When you say "we" who are you referring to?

21 A Myself and Officer Reynolds.

22 Q When the van pulled up, who was closer to
23 the group, yourself or Police Officer Reynolds?

24 A I was.

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Q And what did you do when you jumped out of the van?

A I identified myself as a police officer, and when the group began to flee, I grabbed the first person that I could grab.

Q And who was that?

A I'm not sure which one it was.

Q By the time you did that, where was Officer Reynolds?

A He was coming around the front of the van to catch somebody else.

Q At the time -- at the point at which you grabbed one person and two people were stopped, what, if anything, was said?

A One of the two stated that, "We weren't with the group. We weren't with those guys. We didn't do anything." And the other one said, "Yeah, they were going to jump us."

Q Do you know if it was Raymond SANTANA or Steven Lopez that said those two statements?

A Lopez stated the first one; and I believe Santana stated the second one.

Q Would you describe the demeanor of Steven Lopez at the time that he was stopped there?

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A They were kind of shocked.

MR. BURNS: I'm sorry, I didn't hear that. Shocked?

THE COURT: Shocked.

MR. BURNS: Shocked.

Q And what was the demeanor of Raymond Santana?

A Also shocked and nervous.

MR. RIVERA: Objection, your Honor to the characterization.

THE COURT: Describe what you mean by that. Describe how they appeared physically?

THE WITNESS: Just their eyes were popping out of their heads.

MR. BURNS: Did I miss something?

THE COURT: Eyes popping out of their heads.

MR. BURNS: Eyes popping.

Q How close were Raymond Santana and Steve Lopez when you pulled up and jumped out?

A Closer than you and I.

MS. LEDERER: For the record --

THE COURT: Twelve feet.

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MR. BURNS: Closer than; what does that mean?

THE COURT: Closer than where the District Attorney is and the officer; closer than that.

THE WITNESS: Approximately five feet.

Q You said that those two people were taken and put against the wall. What, if anything, happened next?

A Officer Flores was in pursuit in the three-wheel scooter.

Q Could you describe what you saw Officer Flores going on the scooter?

A She was heading southbound up Central Park West and then turned westbound on 101st Street.

Q What, if anything, did you do at that point?

A I started heading southbound on Central Park West also.

Q Prior to heading south on Central Park West, did you do anything with respect to Raymond Santana and Steve Lopez?

A No, I didn't.

Q Did you handcuff them?

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A No.

Q Where did you go?

A Before I got to 101st Street, the group had turned around and they came back east along 101st Street and ran across Central Park West and started jumping over the wall back into Central Park.

Q Approximately how many people from the group did you see running back east on 101st Street?

A I would say about 10 or 11.

Q What, if anything, did you do when you saw them doing that?

A I gave pursuit. I jumped over the wall also.

Q If you would please step down, with the Court's permission, and approach People's 7 in evidence.

Could you indicate where you went over the wall and the route that you took after you exited Central Park again?

A I jumped over the wall approximately between 101st Street and 102nd Street, and the group was jumping over about 101st Street (indicating). And further down and some entered the park without jumping over. There is an entrance at 100 Street.

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2

(Indicating)

3

4

Q And where did you go when you entered the park?

5

6

A I ran down into this area, just south of the pool and the group was all -- they were scattered all throughout this area (indicating).

8

9

MS. LEDERER: Indicating the area north of 100 Street and south of the pool.

10

11

Q Would you please describe the course that you took as you continued?

12

13

A As I came over the wall I saw a youth with a red jacket running along the wall as I gave him pursuit. Another unit came up, the other half of my anti-crime unit came up and apprehended him.

14

15

16

17

Q You were indicating on People's 7 in evidence the route that the person in the red jacket took. Could you please indicate that with the pointer and describe what you're referring to?

18

19

20

21

A He was running along the wall and I was running behind. The Anti-Crime unit came up along this route --

22

23

24

Q Indicating came north on the West Drive and turned west on 100th Street?

25

A Right. They jumped out of the vehicle and

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also saw him running and apprehended him somewhere around 100 Street and Central Park West.

Q Do you know the name of who that person turned out to be that was apprehended at that location?

A Lamont McCall.

Q Where did you -- well, withdrawn.

Did you observe the other half of the Anti-Crime team apprehend Lamont McCall?

A Yes I did.

Q Where did you go after that?

A I noticed another two youths running eastbound and I gave chase to them also.

Q And where did you chase those two people?

A Across the drive, and they were apprehended right about here, somewhere. There's a ballfield over here.

Q Indicating -- Can you indicate a general location and describe where it is with respect to the words, "North Meadow" on that map?

A Northwest of this right here.

Q Of the writing, "North Meadow"?

A Yes.

Q During the time you were in Central Park,

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pursuing these people, did you have your radio with you?

A Yes, I did.

Q Were you broadcasting your pursuit?

A Yes, I was.

Q As you ran into the North Meadow by the ballfield, did you catch anyone?

A Yes, I did.

Q Will you describe how it was you came to catch someone?

A There's a rock formation right over here, quite a large rock formation --

Q Indicating again above the word "North" in North Meadow.

A As I was running behind, I was gaining on one of the suspects and I dove on him from behind with a closed fist and came around and caught him -- like kind of punched him in the face, trying to -- you know, get him to the ground.

Q When you indicated what you were doing, you came from behind this person, and you were indicating with your right hand a motion. You had your hand closed?

A Yes, I did.

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Q Would you describe exactly what it was that you did in order to apprehend or tackle that person?

A I was trying to get around his neck, and I missed, and I was a little high and I caught him in the face.

Q What happened as you did that?

A We both went down.

Q And what did you do when you came down with that person that you were chasing, that you grabbed?

A I grabbed him and placed him in handcuffs.

Q You may resume the witness stand.

(Witness complies)

Q As you were doing that, you indicated -- as you were describing how it was how you came to apprehend the person you were pursuing in Central Park, you indicated you were using -- was that your right hand?

A Right hand, yes.

Q And as you were coming behind the person, on what side of the person you were chasing, did your hand come around?

A His right cheek.

Q And is that when you said you connected with him? Did you connect with his right cheek with

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your right hand?

A Yes, I did.

Q What was the name of that person?

A Kevin Richardson.

Q At the time -- as you went through what you just described to catch him, you fell down?

A Yes.

Q And did you fall also?

A Yes, I did.

Q What did you do next?

A I turned him around near the rock and handcuffed him.

Q When you say you turned him around, what do you mean?

A FAcE his face towards the rocks.

Q Did you have your gun drawn at the time?

A No, I didn't.

Q And was there anyone else pursuing any one in the area where you were?

A Yes, there was. Officer Hennigan was with me and Officer Kozmalski was on the scooter and he kind of corraled the suspect.

Q Do you know the name of that person?

A That was Clarence Thomas.

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Q When you say Officer Hennigan was with you,
at what point did Officer Hennigan join you?

A She was a little bit behind me.

Q During the chase of Kevin Richardson?

A Yes.

Q At the time you caught Kevin Richardson,
was she with you?

A No, she wasn't.

Q What did you do after you handcuffed Kevin
Richardson?

A I waited for Officer Kozmalski to make sure
he got Clarence Thomas under cuffs -- in cuffs.

Q And then what did you do?

A We called for another unit to come over.

Q Did someone respond to you?

A Sergeant Carabetta and his operator.

Q And where did Sergeant Carabetta appear?

A To the North Meadow.

Q Did he drive onto the Meadow where you
were?

A Yes, he did.

Q And what, if anything, did you do when
Sergeant Carabetta arrived?

A We placed Kevin Richardson and Clarence

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Thomas in the car.

Q And did anyone else get in that car?

A Yes, I did.

Q Was that a marked radio car?

A Yes, it was.

Q After you placed Kevin Richardson and Clarence Thomas in that car, who -- who else was in that car?

A Officer Sullivan and Sergeant Carabetta.

Q And yourself?

A And myself.

Q Will you describe where everyone was seated in the car?

A Myself and Kevin Richardson and Clarence Thomas were all in the backseat.

Q And in what relation were the three of you sitting, one to the other?

A I know I was behind the operator and I don't know how the other two were situated.

Q And Kevin Richardson was handcuffed at the time?

A Yes.

Q Who sat in the front?

A Sergeant Carabetta and Officer Sullivan.

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Q What happened after everyone was in the car?

A Clarence Thomas began to cry and stating "I know who did the murder. I know who did the murder. I know where he lives and I'll tell you his name."

Q Prior to Clarence Thomas saying that, had you asked him any questions?

A No, I didn't.

Q Did he say anything further to you at that time?

A Kevin Richardson also stated that he knew who did it. He said, "Yeah, I know who did it, and I'll tell you also." And then Clarence stated it was Antron McCray. "He lives at

," and the Kevin Richardson stated "Yeah, that's who did it."

Q Did either of them say anything else to you?

A Clarence also stated he knows the pipe that he used. He said he put it at 97th Street and Central Park West, near the projects.

THE COURT: who said that?

THE WITNESS: Clarence Thomas.

Q Were those statements while the vehicle was

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moving or while it was still stationary?

A While we were enroute to 100 Street and Central Park West.

Q What happened when you arrived at 100 Street and Central Park West?

A I informed my sergeant of the statements that the two made.

Q When you say you informed your sergeant, to whom are you referring?

A Sergeant Laile.

Q And where did you inform him of those statements?

A At 100 Street and Central Park West.

Q Were you still in the vehicle at that time?

A No, I had gotten out.

Q Was Kevin Richardson still in the vehicle?

A Yes, he was.

Q And was Clarence Thomas still in the vehicle?

A Yes, he was.

Q Was there a discussion at 100 Street and Central Park West regarding a show-up?

A Yes, there was.

Q Do you recall what was said and who said

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POWERS - PEOPLE - DIRECT - LEDERER

it?

A Sergeant Laile and Sergeant Carabetta and Sergeant Wheeler were together and discussed how they were going to try and get together a show-up with the complainant that was hit in the head at 96th Street.

Q And was it possible to do a show-up?

A No, it wasn't possible.

Q How long did you remain at -- withdrawn.

Did there come a point that you went back to 102nd Street and Central Park West?

A Yes, there was.

Q Approximately how long after you arrived at 100 Street and Central Park West did you go to 102nd Street and Central Park West?

A Approximately ten minutes.

Q What was the reason you went back to 102nd Street and Central Park West?

A My partner, Officer Reynolds was back with the van, which I had the keys, so I had to pick him up and the van.

Q And after you returned to 102nd Street and Central Park West did you return to 100 and Central Park West again?

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T16-fr

777

POWERS - PEOPLE - DIRECT - LEDERER

A Yes, we did.

Q And approximately how much time went by?

A I really don't know.

Q From the time you first arrived at 100 Street and Central Park West until you left 100 Street and Central Park West to go to the Central Park Precinct, how long were you at that location, at 100 Street and Central Park West?

A Approximately a half-hour.

Q At that point did you return to the Central Park Precinct?

A Yes, we did.

Q How did you get there?

A I drove the van with Officer Reynolds.

Q And do you know how Kevin Richardson got to the Central Park Precinct?

A He went with Officer Sullivan and Sergeant Carabetta.

Q At any time at 100 Street had he been taken out of that car?

A No.

Q Do you know how Raymond Santana and Steve Lopez got to the Central Park Precinct?

A No, I don't.

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POWERS - PEOPLE - DIRECT - LEDERER

Q What happened when you arrived at the Central Park Precinct?

A We brought all five of the people in front of the desk, the Central Park desk.

Q When you say "the desk", is that the desk sergeant at the Central Park Precinct?

A Right.

Q And how long were you before the desk sergeant?

A I was only there for about five minutes.

Q What was the purpose of going before the desk sergeant?

A For everything to be logged for pedigree information.

Q You said that you were only there for approximately five minutes.

What, if anything, did you do after those five minutes?

A I took everybody's phone number and somebody's name. Who they can be reached, so I can contact family members.

Q Where did you go -- withdrawn.

After you took -- did you take that information from each of the five suspects?

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T18-fr

825

1 POWERS - PEOPLE - CROSS - BERMAN

2 A That's right.

3 Q Did you have notes that you wrote them from
4 or you just wrote them entirely from your memory?

5 A Entirely from my memory.

6 Q Was your memory clear about these or was
7 that the best you could reconstruct them three and a
8 half weeks later?

9 A I would say it was pretty clear.

10 Q Is it fair to say that by May 11th that you
11 knew this was a pretty important case?

12 A Yes, it's a very important case.

13 Q Is it also fair to say that according to
14 you all these statements were made before 2:30 in
15 the morning on the morning of April 28th, isn't that
16 right?

17 A That's right.

18 Q And is it fair to say you didn't know
19 anything about a female jogger until at least until
20 after 4 a.m. that morning?

21 A That's right.

22 Q Is it fair to say that when these
23 statements were allegedly made the case was not all
24 that important?

25 MS. LEDERER: Objection.

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T18-fr

826

1 POWERS - PEOPLE - CROSS - BERMAN

2 THE COURT: Objection sustained.

3 Q You testified about either arresting or
4 being present when three youths were arrested in the
5 park that night; correct?

6 A That's correct.

7 Q And two of those then traveled in a car
8 with you for a while?

9 A That's right.

10 Q And I think you testified that they made
11 various statements while in that car?

12 A That's right.

13 Q Again, none of which were in response to
14 questions by you; is that right?

15 A That's right.

16 Q Did any of those, who were in the car with
17 you, any of those youths say anything about Steve
18 Lopez?

19 A Nothing that I wrote down.

20 Q Nothing that you wrote down then or ever;
21 is that right?

22 A That's right.

23 Q And in the entire time you were in the
24 precinct, did any of the youths say anything about
25 Steve Lopez?

10/16/89

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1 SUPREME COURT OF THE STATE OF NEW YORK
2 COUNTY OF NEW YORK : CRIMINAL TERM : PART 59
3 THE PEOPLE OF THE STATE OF NEW YORK

4 -against-

5 RAYMOND SANTANA, KHAREY WISE, YUSAF SALAM,
6 ANTRON McCRAY, KEVIN RICHARDSON, STEVE LOPEZ,
7 MICHAEL BRISCO,

8 Defendants.

9 October 13, 1989

10 B E F O R E:

11 HONORABLE THOMAS B. GALLIGAN, J.S.C.

12 (Appearances as heretofore noted)

13 * * * * *

14 COURT CLERK: Indictment 4762 of 1989,
15 Kharey Wise, Yusaf Salam, Antron McCray,
16 Kevin Richardson, Steve Lopez, Michael
17 Brisco, and Raymond Santana; continued
18 hearing.

19 (Whereupon, counsel for the defendants
20 gave their appearances.)

21 THE COURT: Are we ready to resume?
22 It is now 10:25. This matter was set down
23 for 10:00. The usual starting time is
24 9:30. I agreed to start at 10:00 for
25 counsel's convenience so they could take
care of other matters. I would advise

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T1-1f

322

COLLOQUY

counsel to be here at the time scheduled,
10:00 in the morning.

Ready to proceed?

MS. LEDERER: Yes, your Honor.

Prior to calling People's next
witness, Officer Reynolds, there is
additional Rosario materials to be turned
over. And I have prepared a packet of the
pages for each attorney: one page of hand-
written notes for Officer Reynolds; one
page, hand-written copy of UF-61, the typed
copy having been turned over; on-line
booking sheet, one copy of which has been
turned over already. (Handing to Defense
Counsel)

MR. MOORE: Your Honor, my only
request is that in the future, the District
Attorney not release documents on an
installment basis, but to do it at one
particular time so that we may maintain the
flow and logic of preparation.

THE COURT: Okay. Who is your next
witness?

MS. LEDERER: Officer Reynolds.

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COLLOQUY

P. O. E R I C R E Y N O L D S, Shield 17510,
Twenty-third Precinct Robbery Unit, New York
City Police Department, called as a witness by
the People, having been first duly sworn,
testified under oath as follows:

COURT OFFICER: In a loud, clear
voice, state your full name for the record,
spelling your last name; your shield
number, and present assignment.

THE WITNESS: Police Officer Eric
Reynolds; R-E-Y-N-O-L-D-S; Shield 17510,
23rd Precinct Robbery Unit.

THE COURT: All right.

DIRECT EXAMINATION

BY MS. LEDERER:

Q Officer Reynolds, on April 19, 1989, where
were you assigned?

A Central Park Anti-Crime Unit.

Q What tour of duty were you working on that
day?

A Four p.m. to midnight.

Q And did you have a particular assignment
within the Central Park Precinct?

A Yes, Anti-Crime duties.

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T1-1f

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REYNOLDS - PEOPLE - DIRECT - LEDERER

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Q What are the duties of the Anti-Crime unit?

A That is to make arrests for any kind of crimes in progress while working in civilian clothes.

Q Does that mean you don't work in uniform?

A That's correct.

Q And that night of April 19, 1989, were you working on foot, or were you in a vehicle?

A I was in a vehicle.

Q What type of vehicle were you in?

A It was a green Parks Department vehicle. It was a van.

MR. MADDOX: I can't hear.

THE COURT: Green Parks Department vehicle.

Q Did you work with a partner on that date?

A Yes, I did.

Q Who was your partner?

A Police Officer Powers.

Q Did there come a time on the evening of April 19, 1989 that you heard a radio communication regarding activity in Central Park?

A Yes.

Q At what time did you hear such a

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER
2 communication?

3 A It was approximately 9:30.

4 Q What was the radio communication that you
5 heard at that time?

6 A Disorderly males in the park, harassing
7 people.

8 Q When you heard that communication, was
9 there a communication give for where that this
10 orderly group was?

11 A It was approximately, I believe, the west
12 side of 100th Street.

13 Q Do you recall where you were when you heard
14 that?

15 A I believe I was on Central Park West headed
16 northbound.

17 Q Where did you go after you heard that
18 communication?

19 A The north end of the park.

20 Q Who was driving that night?

21 A Officer Powers.

22 Q When you say you went to the north end of
23 the park, where did you go?

24 A We went to the location specified. We went
25 in that area to canvas.

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T1-1f

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REYNOLDS - PEOPLE - DIRECT - LEDERER

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Q What area did you go to?

A The East Drive -- West Drive up on the north end, around 102nd Street.

Q Do you recall whether you went to the east side or the west side?

A I started at the west side, and went from the west to the east side.

Q Were you directed to go to the east side?

A Yes, I believe so, yes.

Q When you say you were canvassing the area, what does that mean?

A It means we were searching for people described in the radio run.

Q What route did you take to go to the location of the East Drive on 102nd Street?

A We went north on Central Park West and then into the park.

Q Where did you go into the park?

A I believe it was either 90th Street or 100th Street.

Q And when you entered the park, did you drive on the roadway or any of the paths?

A We did both. We traveled along the roadways, and then we went along some of the paths.

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T1-1f

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q Did you arrive at the East Drive in the
3 area of 102nd Street?

4 A Yes.

5 Q What, if anything, did you see at that
6 location?

7 A Really nothing in the beginning.

8 Q Did you see anything resembling the
9 disorderly group?

10 A No.

11 Q Did you see any police vehicles?

12 A Yes.

13 Q Do you recall what you saw?

14 A I saw a couple -- several Central Park
15 Police vehicles and vehicles from the 23rd Precinct,
16 and the Manhattan North Task Force.

17 Q Were those marked radio cars?

18 A Yes.

19 Q Did you have a conversation with any of
20 those people?

21 A I had a couple of conversations, yes.

22 Q At that time when you first arrived, did
23 you speak to any of these people?

24 A We might have had a passing conversation,
25 you know, just asking if anybody had seen anything.

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REYNOLDS - PEOPLE - DIRECT - LEDERER

MR. MADDOX: Object (inaudible).

THE COURT: Just tell us what conversation you had.

THE WITNESS: I asked if anybody had seen anything.

Q What did the people you spoke to say?

A Nobody had seen anything at that point.

Q The first communication you heard, did that give any kind of description in the park?

A I believe it was seven to eight males, the very first one.

Q Did it give any description, race?

A I believe it was male blacks.

Q Are you sure?

A I'm not quite sure.

MR. MADDOX: Objection, your Honor.

MR. RIVERA: Objection.

THE COURT: I will allow it.

Are you sure?

THE WITNESS: No, I'm not sure.

Q Did you hear any other radio communication after that first communication?

A Yes.

Q What was that communication?

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 A That there were approximately, I believe,
3 20 to 30 male blacks harassing and assaulting people
4 in the park.

5 Q And do you recall at approximately what
6 time you heard that radio communication?

7 A Do you mind if I look at my notes to
8 refresh my memory?

9 THE COURT: If you have to, you may.
10 Just tell us what you are using to refresh
11 your recollection.

12 THE WITNESS: It is a piece of paper
13 that I wrote down with the, you know, the
14 times.

15 MR. BERMAN: Judge, if I may, this
16 speaker, even when there's no talking,
17 makes such a loud noise we can't hear your
18 Honor talking.

19 A It was about a quarter to ten.

20 Q And do you recall where you were when you
21 heard that communication?

22 A Well, I was in the north end of the park.
23 It might have been at 102nd Street and the East
24 Drive.

25 Q How long did you stay at 102nd Street and

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T1-1f

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER
2 the East Drive?

3 A Not long.

4 Q After you received that second
5 communication, where did you go?

6 A Again, we --

7 MR. MOORE: Objection.

8 THE COURT: No, I'll allow it.

9 Go ahead. He was with somebody, he
10 already said that.

11 A (Continuing) We started to ride around the
12 park again to do a further canvas.

13 Q What area of the park were you driving
14 around in?

15 A The north end.

16 Q Would you indicate did you drive on the
17 road or paths? Where did you go?

18 A We did both. We tried to concentrate on
19 the paths because we didn't see anything.

20 THE COURT: You can tell us where,
21 when you say "we" you are talking about
22 driving around in the car; but tell us only
23 what you saw, talking about what you saw
24 unless somebody said something. All right.

25 Q Did you see anything during the time that

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REYNOLDS - PEOPLE - DIRECT - LEDERER

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you were driving around the north end of
the park?

A No.

Q When you referred to the north end of the
park, from what street north were you
canvassing?

A North of 96th Street.

Q Can you describe in a general way what
route you took?

A In canvassing?

Q Yes.

A We went through all the foot paths and --
you know, all the routes we could to go
through all the dark areas, and, you know,
part of the park that weren't visible.

Q At any time did you see anybody or any
group that resembled what you had heard on
the radio?

A In the beginning, no.

Q And did you hear any other radio
communications while you were canvassing
the north end of the park?

A Yes.

Q What was the next radio communication that

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REYNOLDS - PEOPLE - DIRECT - LEDERER

you heard?

A We got -- I heard our sergeant -- my sergeant from Anti-Crime had a possible group over at 100 Street and the West Drive in the playground.

Q What is your sergeant's name?

A Sergeant Lyle.

Q What did you do when you heard that communication?

A We responded to the area where he was.

Q Approximately what time was it that you arrived at that playground?

A That was about a quarter to ten, 10:00.

Q Did you have a conversation with Officer Alvarez at that location?

A Yes, I did.

Q Did he tell you whether he had seen anything in the park?

A Yes.

Q What, if anything, did Officer Alvarez tell you?

A He told me he saw a group of youths and when they saw the radio car, they all ran.

Q Did he describe the number of the people in

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T2-fr

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 the group?

3 A He said he saw about seven to ten of them.

4 Q Did he indicate that he had seen a larger
5 group?

6 MR. MOORE: Objection.

7 MR. RIVERA: Objection.

8 MR. JOSEPH: Objection.

9 MR. BURNS: Objection.

10 MR. DILLER: Objection.

11 MR. BERMAN: Objection.

12 MR. MADDOX: Objection.

13 THE COURT: Sustained. Let him
14 testify.

15 Q What else did he tell you about the people
16 he saw?

17 A He stated they were male blacks and
18 Hispanics and they were in their teens.

19 Q Did he tell you where he had seen the
20 group?

21 A I believe he said he saw them on the east
22 side.

23 MR. MOORE: Objection.

24 THE COURT: I'll let him answer.

25 Q Was he able to tell you whether it was in

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NYCLD_023079

T2-fr

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 or out of the park?

3 A He said it was inside the park.

4 Q Did he tell you what time it was that he
5 had seen them?

6 A That I don't recall.

7 Q Did he say anything about the gender or the
8 sex of the people he had seen?

9 A Yes, he said they were male blacks and
10 Hispanics.

11 Q Did you have a conversation -- withdrawn.

12 How long did you stay at the playground at
13 100 Street?

14 A Not long, just long enough to -- for the
15 show-up and to get a description from Police Officer
16 Alvarez and then we resumed canvassing.

17 Q Where did you go when you left that
18 location?

19 A Again we stayed in the north end and we
20 went through all the trails and the inaccessible
21 parts of the park.

22 Q How long did you drive around in the park?

23 A About another half-hour.

24 Q Did you hear another radio communication
25 after you had been at the playground where Sergeant

10/13/89

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T2-fr

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REYNOLDS - PEOPLE - DIRECT - LEDERER

Lyle was?

A Yes.

Q What was the communication that you heard then?

A That there was a male jogger found beaten and bleeding profusely from his head.

Q Where was that -- was there a location with respect to where that jogger was found?

A Yes. That was 96th Street, I believe, approximately, and the West Drive off the reservoir.

Q Where were you when you got that communication, if you recall?

A I believe we were at the East Drive again and 102nd Street.

Q Did the communication given with respect to that jogger contain any information about any people?

A He stated there was a group of male Hispanics and Blacks who had assaulted the jogger.

Q Was there any further information about the assault?

A Yes, that they had fled north.

Q What, if anything, did you do after you heard that information?

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REYNOLDS - PEOPLE - DIRECT - LEDERER

A At that point I decided to leave the park and to start the canvas outside at Central Park West at 100 Street.

Q Where did you leave the park?

A We left at 100th Street and Central Park West.

Q Why did you leave the park at that time?

A Because I felt that the group was no longer in the park. We had canvassed for quite a while and the entire park was saturated with police vehicles.

Q Did you see other vehicles in the park other than those you refer to at the East Drive and 102nd Street?

A Other than what I described earlier?

Q During the time you were canvassing the park, other than what you already told us at the East Drive and 102nd Street, did you see any other police vehicles in the park?

A Just what I mentioned.

Q And when you were canvassing the north end of the park, did you see any sign of other police vehicles?

A Yes.

Q What did you see?

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REYNOLDS - PEOPLE - DIRECT - LEDERER

A As I was going through the fields, I could see further north of me the headlights of the other vehicles going back and forth also in search for the group.

MS. LEDERER: With the permission of the Court, I'd ask the witness to please step down and approach People's 7 in evidence.

(Witness complies)

Q Would you please point on People's 7 in evidence and describe as you do, what area you're possibly pointing to, indicate where you were traveling and where you would see the other lights from other vehicles?

A We saw the other lights --

THE COURT: Excuse me, Officer, I have to remind you to speak as loud as you can because everybody over on this side has to hear you, and it is very difficult in this courtroom.

THE WITNESS: Okay.

I saw headlights from the other police cars going east and west across the ballfields here on the north end. I was

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 south of them and I could see them -- I
3 could see that the ballfields in this area
4 was pretty well saturated with police cars
5 and there was probably no group in there
6 because somebody would have seen --

7 MR. MADDOX: Also describe the area
8 that he just referred to on the map.

9 THE COURT: Yes, if there is some
10 legend on that map that describes the area
11 that you're in, please tell us what it is.
12 I see there is some writing on that map.
13 If you could tell us what it was, the area
14 that you say you were driving in.

15 THE WITNESS: This is the north
16 meadow, and it contains several baseball,
17 softball, and a football field and we
18 again, like I said, I had seen several
19 radio cars going back and forth and they
20 pretty well had the whole area covered. If
21 there was any group in there --

22 MR. BURNS: Objection.

23 MR. MOORE: Objection.

24 THE COURT: Yes, don't speculate, just
25 tell us what you saw.

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 THE WITNESS: I saw the police cars
3 going back and forth and they had the area
4 well covered.

5 Q Where did you go --

6 MR. BURNS: I'm sorry. For the
7 record, the record should reflect the area
8 of the North Meadow.

9 THE COURT: He covered the whole area
10 of the North Meadow.

11 Q When you stated earlier that you decided at
12 this time to leave the park, will you point out the
13 route you took to enter the park?

14 A We left here at 100 Street, going west
15 towards Central Park West.

16 Q What time was it, approximately, when you
17 were leaving Central Park?

18 A It was approximately 10:30.

19 Q What, if anything, did you see as you left
20 Central Park at 100 Street?

21 A Okay. When we got to Central Park West at
22 100th Street, just north of us, between 101st Street
23 and 102nd, on the west side of the street, we saw a
24 group of about 10, 15, male blacks and hispanics.
25 They were teenagers.

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T2-fr

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q What, if anything, did you do when you saw
3 that group?

4 A What we -- what I did was we started to
5 drive northbound towards them to get a better look
6 at the group.

7 Q What side of the street were they on?

8 A They were on the west side of the street.

9 Q And when you were driving, what side of the
10 street were you driving on?

11 A I was on the east side going northbound.

12 Q What, if anything, happened as you went
13 northbound on Central Park West approaching that
14 group?

15 A Well, we saw the group. They were all --
16 you know, walking together. We felt reasonably sure
17 that they didn't --

18 THE COURT: It's not what you felt.

19 THE WITNESS: I felt reasonably sure
20 they didn't know who we were.

21 MR. RIVERA: Objection.

22 MR. BURNS: Objection.

23 MR. MOORE: Objection.

24 MR. JOSEPH: Objection.

25 MR. MADDOX: Objection.

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REYNOLDS - PEOPLE - DIRECT - LEDERER

MR. DILLER: Objection.

MR. BERMAN: Objection.

THE COURT: I'll allow that. Go ahead.

THE WITNESS: At one point the group had stopped --

MR. RIVERA: I didn't hear the statement he didn't feel reasonably what?

THE COURT: Did not make out who they were.

Q Continue.

A The group at one point stopped and they all started to look our way and started to point at us in the van, and I couldn't understand why because nobody wouldn't really --

MR. MOORE: Objection.

THE COURT: Finish your answer.

THE WITNESS: Nobody generally makes who we were.

MR. MOORE: Objection.

THE COURT: Objection sustained.

Don't tell us what people generally do. Just tell us what happened here.

THE WITNESS: What I did was I looked

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REYNOLDS - PEOPLE - DIRECT - LEDERER

to our right and a marked police three-wheel scooter was on our right hand side and that's what panicked them.

MR. MOORE: Objection.

MR. MADDOX: Objection.

THE COURT: Sustained. Just tell us what you saw.

Q When you looked and saw in your sideview mirror a scooter, where was this scooter?

A Right alongside the van on my side. It was on the other side of us, from the group.

Q Who was on that scooter?

A Police Officer Flores.

Q What did you do when you became aware that Police Officer Flores was pulling up besides you?

A Well, I felt -- it looked like the group was going to run to me.

MR. MOORE: Objection.

MR. JOSEPH: Objection.

THE COURT: I'll allow it, go ahead. Finish.

THE WITNESS: And I told my partner to take the van and pull it up ahead of them to cut them off so we can stop them.

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NYCLD_023088

T2-fr

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q And did the van pull up?

3 A Yes.

4 Q Where did the van go?

5 A Okay. My partner pulled up the van to
6 102nd Street and CPW, Central Park West on the
7 southwest corner.

8 Q When you say the van was pulled up on the
9 southwest corner of 102nd and Central Park West, can
10 you describe exactly what position it was in in
11 relation to the sidewalk and the street of 102nd
12 Street?

13 A Okay. The van was facing west with the
14 headlights facing west towards the building. Then
15 my partner and myself got out of the van, we
16 identified ourselves. AT that point the group
17 started to run except for two. Those two were
18 Raymond Santana and Steve Lopez.

19 MR. MOORE: Not responsive to the
20 question.

21 THE COURT: I'll allow it.

22 Q When you say you got out of the van -- let
23 me just go back for a second. The van that you were
24 describing, what color is the van?

25 A Green.

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q Are there any windows in the back portion
3 of the van?

4 A In the back two doors -- I'm sorry, there
5 are no windows in it.

6 Q Are there any side panels?

7 A I don't believe so.

8 Q Does it have any insignia?

9 A Yes, Parks Department emblem on the front.

10 Q When the van pulled into the beginning of
11 102nd Street and Central Park West, you say you both
12 jumped out. What exactly did you say?

13 A We identified ourselves as police and we
14 told them not to run.

15 Q What happened when you said, "Don't run?"

16 A The group started to run.

17 Q And what did you do when the group started
18 to run?

19 A We got out of the van and we approached the
20 two defendants that had stayed on the corner.

21 Q And you just named the names of those two
22 people. Did you at the time that you stopped them
23 know their names?

24 A Not at that time, no.

25 Q What, if anything, happened when you

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 stopped those two?

3 A We placed them against the wall.

4 MR. MADDOX: Objection, Judge. He
5 didn't stop them. They were already
6 stopped.

7 THE COURT: Yes. Objection sustained.

8 Q What happened when you approached those
9 two?

10 A We placed them against the wall and
11 searched them.

12 Q Did you have your gun drawn when you got
13 out of the van?

14 A No.

15 Q When you say you placed them against the
16 wall, what exactly did you do?

17 A We gave them a pat down of their clothes in
18 case they had weapons on them.

19 Q Did you find any weapons?

20 A No.

21 Q What was the next thing that happened?

22 A My partner, Police Officer Powers and
23 Police Officer Flores chased the group.

24 Q Did the two people that you placed against
25 the wall, Raymond Santana and Steve Lopez, did

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 either of them say anything to you?

3 A Yes.

4 Q What, if anything, did they say to you?

5 A Let's see. Raymond Santana stated he had
6 just come from his girlfriend's house and didn't
7 state where or when.

8 MR. JOSEPH: Objection.

9 THE COURT: Don't tell us what he
10 didn't said. Just tell us what he did say.

11 THE WITNESS: Steven Lopez stated he
12 just came from the movies with his
13 girlfriend and they watched the movie
14 "Leviathan".

15 Q Did either of them say anything about the
16 rest of the group?

17 A They stated they weren't with the group and
18 Steven Lopez stated, I quote, "The group had talked
19 shit about ripping them off."

20 MR. MADDOX: I can't hear.

21 THE COURT: Who said that?

22 THE WITNESS: Steven Lopez.

23 THE COURT: Stated what?

24 THE WITNESS: They were not with the
25 group and the group had talked -- I quote,

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 "Talked shit about ripping them off."

3 Q When I asked you a moment ago did either of
4 those two people say anything with respect to the
5 rest of the group I believe your answer began, "They
6 said," could you tell us exactly what either one of
7 them said indicating by name what that person said?

8 MR. MOORE: Objection. Asked and
9 answered.

10 THE COURT: I'll allow it again.

11 THE WITNESS: They both stated that
12 they weren't with the group and they didn't
13 know any of the others that had run. They
14 stated that they were walking ahead of them
15 and --

16 MR. RIVERA: Objection, your Honor,
17 not responsive.

18 THE COURT: Yes, objection sustained.

19 Q Can you tell us what Raymond Santana said
20 to you when he was stopped at 102nd Street and
21 Central Park West?

22 A Raymond Santana said he wasn't with the
23 group and he had just come from his girlfriend's
24 house.

25 Q What, if anything, did Steven Lopez say at

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER
2 that time?

3 A He stated he also was not with the group,
4 that he had just come from his -- he had just come
5 from the movies with his girlfriend and they watched
6 the picture "Leviathan" and he also stated, and I
7 quote, "Talked shit about ripping off -- ripping
8 them off."

9 Q Did you ask either Defendant Lopez or
10 Defendant Santana any questions?

11 A No.

12 Q When you saw this group, could you describe
13 how the group was in relation to the other members
14 of the group?

15 A The two --

16 MR. BERMAN: Object as to form.

17 THE COURT: What is your question?

18 Q When you saw the group walking on Central
19 Park West, would you describe the relation of the
20 group with one to the other?

21 A It was a homogenized group. They were
22 altogether and they were all walking northbound.
23 They were male Blacks, teenaged and Hispanics.

24 Q When you saw the group on the west side of
25 the street, approximately how much of the block was

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2 taken up by the members of the group?

3 A Maybe a quarter of the block.

4 Q And where were Defendant's Lopez and
5 Santana, if you remember, in relation to the others
6 in the group?

7 A They were in the group because the group
8 was altogether.

9 Q What, if anything, happened after Lopez and
10 Santana made those statements to you?

11 A My partner, Police Officer Powers chased
12 the rest of the group with Police Officer Flores.

13 Q Where did you see him go?

14 A I saw him running southbound on Central
15 Park West and then west on 101st Street.

16 Q Did you see where he went when he turned
17 onto that street?

18 A When he turned west, I lost sight of him?

19 Q Officer Reynolds -- I'm sorry --

20 A And then I saw him again running back east
21 and the group was ahead of him and they ran into the
22 park, and he ran into the park after them.

23 Q Approximately how much time elapsed between
24 the time you saw him disappear from your sight going
25 down the street until you saw the group coming back

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER
2 with him, chasing?

3 A Just seconds.

4 Q Did you then see Officer Powers -- go into
5 the park?

6 A Yes, I saw him run and jump over the wall
7 into the park after the defendants.

8 MR. MADDOX: Objection to "after the
9 defendants."

10 THE COURT: Yes, Objection sustained
11 as to "after the defendants."

12 Q Did you see how many people were running in
13 front of Officer Powers?

14 A It looked to be about ten.

15 Q And you said that they entered the park, do
16 you know where it was that they entered the park?

17 A It was over the wall and at Central Park
18 West and 101st Street, between 101st and 100.

19 Q And is that where you saw Officer Powers
20 enter the park?

21 A Yes.

22 Q Let me just stop you for a moment. The
23 area on Central Park West, near 101st and 102nd, to
24 your knowledge are there any movie theaters in that
25 area?

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 A No, there isn't.

3 Q Are there any community centers in that
4 area?

5 A No.

6 MR. MADDOX: Judge, may I ask if he
7 could repeat the question and answer?

8 THE COURT: Read the question and
9 answer back, please.

10 (Reporter complies)

11 Q Are there any stores on Central Park West
12 in that area?

13 A No. There's just a grocery store further
14 down, but it's very small north of where they were.

15 Q After you lost sight of Officer Powers when
16 he went into the park, what was the next thing that
17 happened?

18 A I stood on the corner with Raymond Santana
19 and Steven Lopez.

20 Q Did you handcuff them?

21 A No.

22 Q And where was the van?

23 A The van was right where we left it on 102nd
24 Street and Central Park West.

25 Q Did either of them say anything further to

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 you?

3 A They just kept stating that they were not
4 with the rest of them.

5 Q When you say they kept saying that, who
6 kept saying that?

7 A Steve Lopez and Raymond Santana.

8 Q And did you ask them any questions?

9 A No.

10 Q Did you have your radio with you?

11 A Yes, I did.

12 Q Did you hear communications coming over the
13 radio?

14 A Yes.

15 Q Did there come a time when someone came to
16 where you were with Santana and Lopez?

17 A Yes.

18 Q Approximately what time was that?

19 THE WITNESS: May I look at my notes
20 to refresh my memory?

21 THE COURT: If you have to.

22 (Witness peruses notes)

23 A It was approximately a quarter to eleven.

24 THE COURT: And what happened at about
25 a quarter to eleven?

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THE WITNESS: Sergeant Wheeler and Police Officer Morales pulled over after the call over the radio for a unit to pick up the two.

Q What happened when they responded?

A They responded over and we placed them into the car.

Q Placed whom in the car?

A Steven Lopez and Raymond Santana.

Q And what did you do at that point?

A I went with Police Officer Powers into the van, and we drove back to 100 Street and Central Park West to confer with our sergeant.

Q When Raymond Santana and Steve Lopez were put in the car with the sergeant, did you see where they went?

A They went to 100 Street and Central Park West.

Q And when you arrived at 100 Street and Central Park West, were Raymond Santana and Steve Lopez there?

A Yes.

Q Were they in the car or outside of the car?

A They were in the car.

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Q And at what corner of that intersection were you at?

A The northeast corner.

Q When you arrived at that location, who did you arrive with?

A Police Officer Powers.

Q And who was already at that location?

A Sergeant Lyle and Police Officer Hennigan and the other officers.

Q And did you see anybody in custody other than Raymond Santana and Steve Lopez?

A Yes.

Q Who did you see at that time?

A I saw Kevin Richardson, Lamont McCall and Clarence Thomas.

Q Where did you see them?

A In the back of the radio car.

Q Were all three in the same radio car?

A I believe so. I'm not sure.

Q Was there a discussion at 100 Street and Central Park West?

A Yes, there was.

Q And what was the nature of the conversation had there?

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 A I discussed with our sergeant -- I was told
3 that three of the defendants had made statements.

4 MR. MOORE: Objection.

5 THE COURT: I will allow it.

6 A I was told three defendants had made
7 statements placing themselves at the attack of Mr.
8 Loughlin at 96th Street.

9 Q Who told you that?

10 A I was told that by Police Officer Powers
11 and Sergeant Lyle.

12 Q And at that time was there a discussion at
13 100 Street and Central Park West?

14 A Yes.

15 Q Was there a discussion about doing a show-
16 up?

17 A Yes.

18 Q And was a show-up conducted with John
19 Loughlin at that time?

20 A No.

21 Q How long did you stay at 100 Street and
22 Central Park West?

23 A I'd say about ten minutes; ten, fifteen
24 minutes.

25 Q During that time were you out of the van or

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comfortably on the floor of the precinct than at home?

MS. LEDERER: Objection.

THE COURT: Sustained.

Q Now, you told us on direct that about four in the morning, Lieutenant McInerney told you a woman's body had been discovered in the park?

A I believe that's the approximate time.

MR. BURNS: I didn't hear that question and answer.

THE COURT: Read it back.

(The court reporter read back the requested portion of the record.)

Q And Lieutenant McInerney told you to keep the kids for questioning about that, didn't he?

A He stated that the detectives wanted to speak to them.

Q And you understood that to mean to keep the kids for questioning about that woman, right?

A That's correct.

Q Now, you have told us by what time was it that Santana's grandmother arrived approximately?

A Let's see. It was after four.

Q But by 4:30 she was there, right?

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1 at two precincts. 15:45:53

2 Q. Others were concerned about what 15:45:56

3 else? 15:45:59

4 A. Other officers I didn't know who 15:45:59

5 were in a similar position, who were not 15:46:06

6 being interviewed and expressed to my 15:46:09

7 former colleagues that they had 15:46:14

8 information they wanted to give to her, 15:46:17

9 her being Ms. Ryan. 15:46:20

10 Q. Do you know what officers 15:46:22

11 communicated with your former colleagues 15:46:24

12 to express that opinion or those opinions? 15:46:26

13 A. As I sit here today, I don't 15:46:29

14 know. I knew in 19 -- I'm sorry, I knew 15:46:31

15 some of the names in 2002. 15:46:36

16 Q. Did you take notes when you were 15:46:38

17 having these conversations with people in 15:46:40

18 the District Attorney's office who were 15:46:42

19 expressing their concern? 15:46:43

20 A. Not that I can think of. 15:46:46

21 Q. I guess we can go to April 20th 15:46:49

22 now for awhile. Fiston called you what 15:47:15

23 time in the morning? 15:47:22

24 A. As I recall, between 8:30 and 15:47:24

25 nine o'clock in the morning. 15:47:27

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1	Q.	At that time, did you know	15:47:29
2		anything about the events in Central Park	15:47:32
3		on April 19th?	15:47:35
4	A.	I don't believe that I did.	15:47:36
5	Q.	You saw nothing on television,	15:47:38
6		you heard nothing from other sources?	15:47:41
7	A.	I didn't see anything on	15:47:44
8		television the night of the 19th. I may	15:47:46
9		have heard a news, radio news report in	15:47:50
10		the morning, not about a rape, but about a	15:47:53
11		riot.	15:47:58
12	Q.	Do you know why Fiston called?	15:47:59
13	A.	Yes, I do.	15:48:05
14	Q.	Why?	15:48:06
15	A.	He called me shortly before nine	15:48:07
16		to tell me that a woman had been found	15:48:10
17		beaten, and presumably because of her	15:48:22
18		state of undress, sexually assaulted in	15:48:24
19		the ravine, and he had been called in	15:48:28
20		because there had been no sexual assault	15:48:34
21		allegation until that woman reached the	15:48:38
22		hospital.	15:48:40
23	Q.	What else did he tell you?	15:48:41
24	A.	He told me that the woman was as	15:48:47
25		yet unidentified, and he asked me in the	15:48:52

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1 usual course of prosecutorial business if 15:48:57
2 I would assign a prosecutor to work on the 15:49:00
3 prosecutorial events that might happen 15:49:06
4 later in the day because there were 15:49:14
5 already were suspects being questioned. 15:49:16
6 Q. Did you make any notes about 15:49:22
7 this conversation? 15:49:24
8 A. No. 15:49:25
9 Q. Did you create any memorandum 15:49:25
10 afterwards about this conversation? 15:49:29
11 A. Not that I recall. 15:49:30
12 Q. Did he tell you anything else? 15:49:31
13 A. At that time, only that we 15:49:35
14 discussed that I would get back to him 15:49:39
15 with the name and number of the Assistant 15:49:41
16 DA, and that I would tell the District 15:49:44
17 Attorney. 15:49:46
18 Q. Did you understand that Fiston 15:49:46
19 was calling you in line with the 15:49:48
20 arrangement that you and Morgenthau had 15:49:50
21 made, that whenever there was a rape in 15:49:53
22 New York City, you should be contacted? 15:49:55
23 A. Not exactly. 15:49:57
24 Q. Why do you say that? 15:49:58
25 A. Because it was not just a call 15:50:00

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1 to give me information. It was a call in 15:50:04
2 which he was asking for the help that we 15:50:07
3 provide in the instant moment. 15:50:12

4 Q. Fiston was calling you, right, 15:50:14
5 right? 15:50:17

6 A. Fiston did call me. 15:50:17

7 Q. Right? 15:50:19

8 A. Yes, sir. 15:50:21

9 Q. And the reason Fiston called you 15:50:21
10 about a rape was the arrangement you and 15:50:24
11 Morgenthau had made with Fiston that you 15:50:27
12 should be called about every rape; is that 15:50:29
13 correct? 15:50:32

14 MS. DAITZ: Objection. 15:50:32

15 A. No, sir. 15:50:32

16 Q. Why is that not correct? 15:50:33

17 MS. DAITZ: Let her answer the 15:50:35
18 question this time. 15:50:37

19 Q. Why is that not correct? 15:50:37

20 A. Because the practice that 15:50:39
21 Morgenthau and I had requested to have 15:50:41
22 with Mr. Fiston and other officers was for 15:50:45
23 the information of a case. 15:50:49

24 So if a rape had happened on 15:50:50
25 4/15 on East 30th Street and it wasn't 15:50:51

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1 solved, we'd know and have it under our 15:50:55
2 roof as well. 15:51:00

3 On this morning when he called 15:51:01
4 me, he was calling to ask me to assign a 15:51:03
5 prosecutor now for the purpose, as we ride 15:51:06
6 homicides and sex crimes as the expression 15:51:13
7 is called, to have a prosecutor to be 15:51:15
8 available to him within hours to help with 15:51:19
9 the prosecutorial steps that would be 15:51:21
10 taken at the station house. 15:51:24

11 Q. So it's your answer that the 15:51:26
12 call that Fiston made to you had no 15:51:29
13 connection with the arrangements that you 15:51:32
14 and Morgenthau had made with Fiston to 15:51:33
15 call and advise you about a rape, whether 15:51:37
16 or not a person had been arrested? 15:51:39

17 MS. DAITZ: Objection. You can 15:51:41
18 answer. 15:51:43

19 A. Those are not my words, sir. I 15:51:43
20 didn't say they had no connection. I said 15:51:46
21 this was for a much more urgent purpose. 15:51:48
22 It might also have served that use, hello, 15:51:51
23 this is the event that happened this 15:51:55
24 morning. 15:51:57

25 On top of that, there was a much 15:51:58

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1 more urgent need. He wanted a prosecutor 15:52:00
2 assigned, that was the main purpose of the 15:52:04
3 call. 15:52:06

4 Q. Did he tell you that it appeared 15:52:06
5 that a homicide was involved? 15:52:08

6 A. No, he didn't tell me that. He 15:52:09
7 told me that the victim was in very grave 15:52:12
8 condition. 15:52:18

9 Q. The question I think I forgot to 15:52:19
10 ask you earlier when you spoke of one 15:52:21
11 person who had knowledge about the 15:52:23
12 investigation from Ryan, who was that? 15:52:26

13 A. Lisa Friel. 15:52:30

14 Q. Did you know what she had 15:52:31
15 learned from Ryan and how she knew about 15:52:36
16 it? 15:52:38

17 A. I knew some of the things she 15:52:39
18 learned from Ryan. 15:52:42

19 Q. What did you learn from Friel? 15:52:43

20 A. I knew from Friel the point at 15:52:45
21 which Ryan no longer wanted Mooney 15:52:55
22 involved in the investigation. 15:52:59

23 I knew from Friel that she, that 15:53:00
24 on a day, I came to know from Friel that 15:53:03
25 on a date that Ryan arranged with Mooney 15:53:08

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